

Sunset Public Hearing Questions for
Tennessee Medical Examiner Advisory Council
Created by Section 38-7-201, *Tennessee Code Annotated*
(Sunset termination June 2010)

1. Provide a brief introduction to the Tennessee Medical Examiner Advisory Council, including information about its purpose, statutory duties, staff and administrative attachment.

The council consists of nine (9) members: the Director of the Tennessee Bureau of Investigation (a permanent member); the Commissioner of Health or the Commissioner's designee to serve as an ex-officio, nonvoting member; seven (7) members appointed by the Governor: one (1) district attorney general, one (1) district public defender, three (3) county medical examiners, one (1) from each grand division of Tennessee, one (1) licensed funeral director, and one (1) public citizen to the council. All regular appointments to the council shall be for terms of three (3) years each, with a maximum of two (2) consecutive terms.

The council is required to meet annually and select a chair and other officers as needed. Additional meetings may be scheduled as frequently as necessary.

The council is responsible for:

- (1) reviewing candidates and making a recommendation to the Commissioner of Health on the appointment of the Chief Medical Examiner and Deputy State Medical Examiner;**
- (2) Assisting the Chief Medical Examiner in the development and updating of guidelines for death investigations and forensic autopsies in this state, to be promulgated as rules through the department of health; and**
- (3) Issue an annual report on death investigations in this state.**

2. Provide a list of current council members and describe how membership complies with Section 38-7-201(a), *Tennessee Code Annotated*. Are there vacancies on the council? If so, what steps have been taken to fill the vacancies?

A roster is included as *Attachment 1* with the representation listed for each member to show compliance with the TCA.

There are no vacancies. The one vacancy that occurred due to the death of a member has been filled.

3. Does membership include a member who is sixty years of age or older? A member who is a racial minority? A member who is female?

There are 2 members who are over 60, 2 members who are a racial minority and 2 members that are female.

4. What per diem or travel reimbursement do members receive? How much was paid to council members during fiscal year ending June 30, 2009?

Council members are reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

Total amount paid to council members for FY 09 is \$792.32.

5. How many times has the council met during fiscal year ending June 30, 2009, and how many members were present at each meeting?

The council has met two (2) times during FY 09.

January 7- members present = 7

April 8 - members present = 6

6. Is the council subject to Sunshine law requirements (Section 8-44-101 et seq.) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the council have for informing the public of its meetings and making its minutes available to the public?

The committee is required to give public notice of meetings. Information which includes the date, place and time of the meeting as well as major agenda items to be discussed is forwarded to the Department's Public Information Office by the 15th day of the month preceding the meeting. The Public Information Office then posts the information pertaining to the meeting to the state media sites. The minutes are kept on file in the Department of Health staff person's office and are available to anyone requesting them.

7. Describe the policies the council has in place to address potential conflicts of interest by council members and staff.

All state employees are required to sign a conflict of interest statement which is kept in the personnel files. Committee members are requested to sign the Department's policy for committees and copies are kept in the staff office.

8. What were the council's revenues (by source) and expenditures (by object) for fiscal year ending June 30, 2009?

There are no revenues and the only expense was reimbursement of travel.

9. Describe the nature and extent of the council's activities during fiscal year ending June 30, 2009. Specifically:

- a. What actions have been taken toward reviewing candidates and making recommendations to the Commissioner of Health concerning the appointment of a chief medical examiner and deputy state medical examiners as provided for in Section 38-7-201(d)(1), *Tennessee Code Annotated*?

The CVs of three applicants which qualified for deputy medical examiners, one (1) from each grand region, were reviewed and approved by the Council and the recommendations were submitted to Commissioner Cooper by Dr. Levy.

- b. Have rules been promulgated reflecting the guidelines for death investigations and forensic autopsies as provided for in Section 38-7-201(d)(2), *Tennessee Code Annotated*?

The rules have not been promulgated as they are in the formulation and review process. The council recommends that the deputy medical examiners assist in creating and review the guidelines before they are presented to be promulgated.

- c. Has the council had an opportunity yet to issue an annual report on death investigations as provided for in Section 38-7-201(d)(3), *Tennessee Code Annotated*?

An annual report for 08/09 has not been completed. All the supporting documentation to complete the data has not been provided. Autopsies can take from six weeks to six months and even longer before they are completed. If the death is a child, waiting to schedule an autopsy with a pediatric forensic pathologist prolongs the autopsy even longer. The autopsy is not finalized until all reports and documentation are complete.

10. Describe any items related to the council that require legislative attention and your proposed legislative changes.

There are no items at present.

11. Should this council be continued? To what extent and in what ways would the absence of the council affect the public health, safety or welfare?

Yes, the council needs to be continued. It has just gotten started with its work.

Once the official appointments of the deputy ME's are made, the council can move forward with the rules for death investigation and autopsies. The plan is for Dr. Levy and the three deputy ME's to create a draft for the council to review and recommend.

12. Please list all council programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The council receives no federal financial assistance.

If the council does receive federal assistance, please answer questions 13 through 20. If the council does not receive federal assistance, proceed directly to question 19.

13. Does your council prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

14. Does your council have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

15. To which state or federal agency (if any) does your council report concerning Title VI? Please describe the information your council submits to the state or federal government and/or provide a copy of the most recent report submitted.

16. Describe your council's actions to ensure that council staff and clients/program participants understand the requirements of Title VI.

17. Describe your council's actions to ensure it is meeting Title VI requirements. Specifically, describe any council monitoring or tracking activities related to Title VI, and how frequently these activities occur.

18. Please describe the council's procedures for handling Title VI complaints. Has your council received any Title VI-related complaints during fiscal year ending June 30, 2009? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
19. Please provide a breakdown of current council staff by title, ethnicity, and gender.
Administrative support is provided by:
Donna Hurst, MS, RN, Public Health Nurse Consultant 2, White, female
Lisa Robison, Director of Management Support, Forensic Center, White, female
20. Please list all council contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.
The council does not enter into contracts.

TENNESSEE MEDICAL EXAMINER ADVISORY COUNCIL (T.C.A. Section 38-7-201)

1. The council shall consist of nine (9) members, each of whom shall be a resident of this state. The director of the Tennessee Bureau of Investigation shall be a permanent member of the council and the Commissioner of Health or his/her designee shall serve as ex officio. Seven (7) members shall be appointed by the governor. The appointments made by the governor shall include one (1) district attorney general, one (1) district public defender, three (3) county medical examiners (one from each grand division of Tennessee), one (1) licensed funeral director, and one (1) public citizen to the council. All regular appointments to the council shall be for terms of three (3) years each, with a maximum of two (2) consecutive terms.

<u>MEMBERS</u>	<u>GENDER</u>	<u>ETHNICITY</u>	<u>TITLE</u>	<u>REPRESENTATION</u>	<u>DATE</u>	
					<u>APPOINTED</u>	<u>EXPIRATION</u>
Tony R. Emison, M.D. Jackson-Madison Co. Health Dept. 804 North Parkway Jackson, Tennessee 38305	M	White	Member	Medical Examiner (West Tennessee)	10-01-08	06-30-11
Gary W. Cunningham 5062 Twin Ridge Drive Old Hickory, Tennessee 37138	M	White	Member	Public Citizen	10-02-08	06-30-11
Ardena J. Garth District Public Defender 11 th Judicial District of Tennessee 701 Cherry Street, Suite 300 Chattanooga, Tennessee 37402	F	Black	Member	District Public Defender	10-02-08	06-30-11
Jacky E. Carver, Jr. PO Box 64 81 Morris Drive Carthage, Tennessee 37030-0064	M	White	Member	Licensed Funeral Director	09-30-09	06-30-11
David M. Gilliam, M.D. P.O. Box 8 Walland, Tennessee 37886	M	White	Member	Medical Examiner (East Tennessee)	10-01-08	06-30-11
Hansel McCadams District Attorney General 24 th Judicial District of Tennessee PO Box 627 Huntingdon, Tennessee 38344	M	White	Member	District Attorney General	10-01-08	06-30-11

TENNESSEE MEDICAL EXAMINER ADVISORY COUNCIL (cont'd.)

<u>MEMBERS</u>			<u>TITLE</u>	<u>REPRESENTATION</u>	<u>APPOINTED</u>	<u>DATE</u> <u>EXPIRATION</u>
Harold Ferrell, M.D. 1602 Hatcher Lane Columbia, Tennessee 38401	M	White	Member	Medical Examiner (Middle Tennessee)	10-01-08	06-30-11
Mark Gwynn Director Tennessee Bureau of Investigations 901 R.S. Gass Boulevard Nashville, Tennessee 37216	M	Black	Member	Director of the Tennessee Bureau of Investigations- Permanent Member	EX OFFICIO	
Susan R. Cooper, MSN, RN Tennessee Department of Health Cordell Hull Building, 3 rd Floor 425 5 th Avenue, North Nashville, Tennessee 37243	F	White	Member	Commissioner of Health Permanent Member	EX OFFICIO	

November 2008